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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10532471	4/22/05	MITANI, YOHSUKE	MAT-8689US

RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

EXAMINER

Dalena Tran

ART UNIT	PAPER
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3661

20070706

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,471	04/22/2005	Yohsuke Mitani	MAT-8689US	1603
23122	7590	07/17/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER TRAN, DALENA	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,471

Applicant(s)

MITANI, YOHSUKE

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4,8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-8 are pending.

The prior art submitted on 4/22/05 has been considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "voltage V0" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito (5780980) in view of Drozd et al. (5898282).

As per claim 1, Naito discloses a vehicle power unit capable of electrically controlling a brake of a vehicle, the vehicle power unit comprising: a battery as a power source of the vehicle; an auxiliary power source having a capacitor unit and used in abnormal conditions of the battery, the capacitor unit comprising a plurality of capacitor cells (see column 2, lines 9-29; columns 3-4, lines 54-14; and columns 6-7, lines 52-28); a charge controller for charging the auxiliary power source from the battery; a voltage

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monitor for monitoring a voltage of the capacitor unit during charging (see column 2, lines 30-67; columns 4-5, lines 15-8; and columns 7-8, lines 29-11), wherein the voltage monitor monitors if the voltage of the capacitor unit is not exceeding a predetermined voltage (see columns 5-6, lines 9-51). Naito does not disclose an electronic controller for braking the vehicle by supplying power from the battery to the brake according to at least one of information from a brake pedal and information on a running state of the vehicle. However, Drozdz et al. disclose an electronic controller for braking the vehicle by supplying power from the battery to the brake and information on a running state of the vehicle (see columns 3-4, lines 41-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Naito by combining an electronic controller for braking the vehicle by supplying power from the battery to the brake and information on a running state of the vehicle for controlling vehicle braking system.

As per claim 2, Naito discloses the voltage monitor monitors a voltage of the entire capacitor unit (see columns 5-6, lines 9-51; and columns 8-9, lines 12-38).

As per claim 3, Naito discloses when the voltage monitor detects that a voltage exceeding the predetermined voltage is applied to the capacitor unit during charging, the voltage monitor determines an abnormality, and the charge controller stops charging (see the abstract).

5. Claims 5-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito (5780980), and Drozdz et al. (5898282) as applied to claim 1 above, and further in view of Chady et al. (6091228).

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As per claim 5, Naito, and Drozdz et al. do not disclose dispersion of voltage between capacitor cells is within a predetermined value. However, Chady et al. disclose the capacitor cell is previously confirmed that an initial dispersion of voltage between cells is within a predetermined value (see columns 1-2, lines 36-31; and columns 5-6, lines 31-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Naito, and Drozdz et al. by combining dispersion of voltage between capacitor cells is within a predetermined value to control vehicle electric charging system.

As per claim 6, Chady et al. disclose the plurality of capacitor cells connected in series are charged at a predetermined voltage, and the initial dispersion in respective capacitor cell is selected from the charging voltage of the respective capacitor cell (see columns 2-3, lines 32-62; and columns 4-5, lines 34-9).

6. Claims 4, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Naito (5808448)

. Sakai et al. (5951115)

. Bloxham (6834737)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968.

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The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner
Dalena Tran



July 7, 2007